

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHN C. KITCHIN, JR., NORTH WEST)	
AUTO BODY COMPANY, and MARY)	
MENKE, on behalf of themselves and all others)	
similarly situated,)	
)	
Plaintiffs,)	Case No. 4:18-cv-00672-CDP
)	
vs.)	
)	
BRIDGETON LANDFILL, LLC,)	
REPUBLIC SERVICES, INC.,)	
ALLIED SERVICES, LLC, and)	
ROCK ROAD INDUSTRIES, INC.,)	
)	
Defendants.)	

CONSENT MEMORANDUM
REGARDING DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR LEAVE
TO FILE SECOND AMENDED AND SUPPLEMENTAL CLASS ACTION COMPLAINT

COME NOW Plaintiffs and submit this Consent Memorandum Regarding Plaintiffs' Motion for Leave to File Second Amended and Supplemental Class Action Complaint. Plaintiffs state as follows:

1. On January 27, 2023, Defendants Bridgeton Landfill, LLC, Allied Services, Inc., and Republic Services, Inc. (collectively "Defendants") filed their Response to Plaintiffs' Motion for Leave to File Second Amended and Supplemental Class Action Complaint, whereby Defendants represented to the Court that they did not oppose leave to amend if two issues were resolved: (a) the retention of named Plaintiffs in the case, and (b) the naming of Rock Road Industries, Inc. as a defendant. (*See* ECF No. 148).

2. Plaintiffs and Defendants have in good faith conferred and come to an agreement regarding the two issues raised in Defendants' Response.

3. Upon granting of Plaintiffs' Motion for Leave to File their Second Amended and Supplemental Class Action Complaint, the following revisions will be made to Plaintiffs' Complaint before the formal filing of same:

- a. John Kitchin, Jr., will remain as a class representative and named Plaintiff;
 - b. Mary Menke and North West Auto Body Company will be removed as class representatives and named Plaintiffs; and
 - c. Rock Road Industries will be removed as a Defendant in this case.
4. The Parties agree and consent to this issue resolution.

5. With the foregoing changes made to the proposed Second Amended and Supplemental Class Action Complaint (ECF No. 147), Defendants have consented to removing their conditional request (ECF No. 148, pg. 4), and do not oppose Plaintiffs' Motion for Leave to Amend.

WHEREFORE, Plaintiffs respectfully request that this Court grant Plaintiffs' Motion for Leave to File their Second Amended and Supplemental Class Action Complaint, and for all other and further relief this Court deems just and proper.

Dated: February 6, 2023

Respectfully submitted,

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Attorneys for Plaintiffs and the Class

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on all counsel of record via this court's ECF/PACER electronic filing notification system on February 6, 2023.

/s/ Ryan A. Keane